

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REKOR SYSTEMS, INC.,

Plaintiff,

-v-

SUZANNE LOUGHLIN et al.,

Defendants.

19-cv-7767 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff has requested that this Court dismiss Counterclaim Four for breach of fiduciary duty and Counterclaim Six for libel pursuant to the doctrine of collateral estoppel in light of the Court's recent dismissal with prejudice in *Loughlin et al. v. Goord*, No. 20-cv-6357 (LJL), or, alternatively, order Defendants to show cause why these counterclaims should not be dismissed. Dkt. No. 167 at 1. Plaintiff also notes that Federal Rule of Civil Procedure 12(c) permits it to move for a judgment on the pleadings on these two counterclaims. *Id.* at 3.

Defendants oppose Plaintiff's request due to ongoing depositions and request that Plaintiff be directed to file such motion after the end of fact discovery, which is scheduled to close on November 12, 2021. Dkt. No. 168 at 2.

Plaintiff has not articulated any prejudice that would result from waiting until the close of discovery to move to dismiss these two counterclaims. The Court therefore directs Plaintiff to file any such motion for dismissal after the close of discovery and by December 23, 2021, the deadline for any motion for summary judgment.

SO ORDERED.

Dated: October 8, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge